

ENTERED

April 25, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ERICA FULTON,**Plaintiff,****v.****UNITED AIRLINES, INC., AIR SERV
CORPORATION, AND JOHN DOE****Defendants.**§
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§**C.A. NO. 4:17-cv-00528**

AMENDED FINAL JUDGMENT

As the jury returned its verdict in favor of Plaintiff Erica Fulton on January 22, 2019 (Document No. 76); as the Court entered a Final Judgment in favor of Plaintiff based on that jury verdict on January 24, 2019 (Document No. 80); as the original Final Judgment did not address the matters of prejudgment or post-judgment interest or costs; as Plaintiff filed a Motion to Correct/Modify Judgment on February 14, 2019 (Document No. 83); as Defendants filed a Rule 50(b) Renewed Motion for Judgment as a Matter of Law and in the Alternative for a New Trial or Remittitur Pursuant to Rule 59 on February 21, 2019 (Document No. 90) and an Amended Rule 50(b) Renewed Motion for Judgment as a Matter of Law and in the Alternative for a New Trial or Remittitur Pursuant to Rule 59 on February 22, 2019 (Document 91); as the Court denied Defendants' motions and ordered the parties to file a proposed amended final judgment (Document No. 126), which the parties have now done

(subject to any previously-asserted objections and challenges to the judgment), the Court hereby

ORDERS that final judgment be entered in favor of Plaintiff Erica Fulton and against Defendants as follows:

Judgment is hereby entered in favor of Plaintiff Erica Fulton in the amount of \$3,805,000.00 in actual damages. Defendant United Airlines, Inc. shall have liability for 50% of that amount (that is, Defendant United Airlines, Inc. shall be liable for \$1,902,500.00 in actual damages, and judgment is hereby entered against Defendant United Airlines, Inc. in the amount of \$1,902,500.00 in actual damages). In addition, Defendant Air Serv Corporation shall have liability for 50% of the total amount of actual damages awarded by this judgment (that is, Defendant Air Serv Corporation shall be liable for \$1,902,500.00 in actual damages, and judgment is hereby entered against Defendant Air Serv Corporation in the amount of \$1,902,500.00 in actual damages).

Further, prejudgment interest is awarded to Plaintiff Erica Fulton on the \$2,375,000.00 in past actual damages awarded by the jury at the rate of 5.5% per annum, accruing from November 29, 2016 (the date suit was filed) through January 23, 2019 (the day before the date of the original Final Judgment) for a total

prejudgment interest award of \$281,291.10. Defendant United Airlines, Inc. shall have liability for 50% of the total prejudgment interest awarded (that is, Defendant United Airlines, Inc. shall be liable for \$140,645.55 in prejudgment interest, and judgment is hereby entered against Defendant United Airlines, Inc. in the amount of \$140,645.55 as prejudgment interest). In addition, Defendant Air Serv Corporation shall have liability for 50% of the total amount of the prejudgment interest awarded (that is, Defendant Air Serv Corporation shall be liable for \$140,645.55 in prejudgment interest, and judgment is hereby entered against Defendant Air Serv Corporation in the amount of \$140,645.55 in prejudgment interest).

The Clerk has taxed a total of \$11,090.76 in costs in this case, one-half of which (that is, \$5,545.38) is awarded against Defendant United Airlines, Inc. by this Court, and one-half of which (that is, \$5,545.38) is awarded against Defendant Air Serv Corporation by this Court.

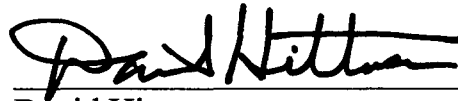
The total amount of the judgment against Defendant United Airlines, Inc. (that is, \$2,048,690.93, including actual damages, prejudgment interest, and costs) shall bear post-judgment interest at the rate of 2.58% compounded annually, from January 24, 2019 (the date of the original Final Judgment) until paid.

The total amount of the judgment against Defendant Air Serv Corporation (that is, \$2,048,690.93, including actual damages, prejudgment interest, and costs)

shall bear post-judgment interest at the rate of 2.58%, compounded annually, from January 24, 2019 (the date of the original Final Judgment) until paid.

This is an AMENDED FINAL JUDGMENT. The Original Final Judgment in this case, dated January 24, 2019, is hereby vacated, set aside, and replaced by this AMENDED FINAL JUDGMENT.

SIGNED this 24 day of April, 2019.

A handwritten signature in black ink, appearing to read "David Hittner", written over a horizontal line.

David Hittner
Senior United States District Judge

APPROVED:

By: /s/ Sean A. Roberts
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COUNSEL FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff (Penelope E. Nicholson) has conferred with Counsel for Defendants (Dana Livingston) concerning the foregoing proposed Amended Final Judgment, and Defendants have only agreed to the form of the Judgment, subject to any previously asserted objections and challenges to the Judgment.

/s/ Penelope E. Nicholson

Penelope E. Nicholson

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served through the Court's electronic service system in accordance with the Federal Rules of Civil Procedure on this 22nd day of April, 2019, on the following parties:

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